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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,804	01/02/2007	Stuart Hardy	1052-0001	9511
50811 7590 12/12/2007 O'SHEA, GETZ & KOSAKOWSKI, P.C. 1500 MAIN ST. SUITE 912 SPRINGFIELD, MA 01115			EXAMINER PUROL, DAVID M	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 12/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/586,804

Applicant(s)

HARDY, STUART

Examiner

David M. Purol

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-25,29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-25,29 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07212006;01022007</u> . | 6) <input type="checkbox"/> Other: _____ |

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 48.

The drawings are further objected to for the reference numerals are rough and of a poor quality.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,2,4-25,29,30 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

These claims are narrative in form replete with functional or operational language and further contain numerous indefinite recitations including grammatical/idiomatic errors for which its intended meaning is not understood.

For example: claim 1, line 1, "and/or"; claim 2, line 2 "far attaching"; claims 4-6,8,17-19 "the voile attachment means" for which there is no antecedent basis; claim 7, line 2 "preferably being provided"; claim 8 "on one or both faces" for which there is no antecedent basis; claim 9, line 2 "comprises two parts" which appears to be referring to the two leaves as recited in claim 1, line 2 "engage around the top of the louvre" wherein the louvre is not a claimed element of the combination; claim 10, lines 1-2 "extends substantially over the entire width of the louvre" wherein the louvre is not a claimed element of the combination; claim 11, line 1 "the said", line 2 "comprises leaves" which has been previously recited in claim 1, line 2 "which sandwich", line 2 "the top of the louvre between them" wherein the louvre is not a claimed element of the combination; claim 12, line 2 "two parts are hinged together" which has been previously recited in claim 1; claim 13, line 2 "a hinge moulded integrally between the two parts" which has been previously recited in claim 1; claim 16, lines 2-3 "arranged in or adjacent the base of that recess"; claim 17, line 2 "arranged such that", line 2 "the voile extends across, and covers, the recess" wherein the voile is not a claimed element of the invention; claim 19, line 2 "also provided"; claim 22, line 2 "openings provided in the louvre" wherein the louvre is not a claimed element of the combination; claim 23, line 1 "the or each"; claim 25, line 2 "extending through corresponding openings in the louvre" wherein the louvre is not a claimed element of the combination; claim 30, line 1 "and/or".

The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4-14,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cassar (Australian Patent No. 732,999). Cassar discloses a fitting 24 including two parts 28,30 connected by a hinge 26, releasable fasteners 34,36, and a hanger attachment means 32. As to the type of material from which the fitting is constructed, it is a well settled issue that the selection of a known material based upon its suitability for the intended use would have been obvious to one of ordinary skill in the art. The particular manner of securing the releasable fasteners to the fitting is considered an obvious expedient.

4. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cassar (Australian Patent No. 732,999) in view of Ford (U.S. Patent No. 5,123,471). While Cassar does not disclose the hanger attachment means as comprising an eye, Ford discloses a fitting having a hanger attachment 37 in the shape of an eye, wherein, to incorporate this teaching into the fitting of Cassar so as to facilitate the mounting of the fitting would have been obvious to one of ordinary skill in the art.

5. Claims 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cassar (Australian Patent No. 732,999) as applied to claims 1-14,30 above, and further in view of Watkins (U.S. Patent No. 6,289,563). While Cassar does not disclose the use of a clip in the shape of a post, Watkins discloses a fitting utilizing a post 12, wherein, to incorporate this teaching into the fitting of Cassar for its explicit purpose of fastening would have been obvious to one of ordinary skill in the art. The particular number of posts employed is considered a design preference in that the result is predictable.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 29 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Cassar (Australian Patent No. 732,999). Cassar discloses a voile 2 having releasable fastener means 22,62,64,66.

7. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Nien, Corey et al, Marocco, Kratzer, de Wit, Kitchen, Sawaya.


8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David M. Purol whose telephone number is (571) 272-6833.

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If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Glessner, can be reached at (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David M Puro
Primary Examiner
Art Unit 3634

DMP
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December 8, 2007